

**In re Tesla, Inc. Securities Litigation, Case No. 3:18-cv-04865-EMC (N.D. Cal.)**  
**Plaintiff's Witness and Exhibit List for Day 7 - January 27, 2023**

<b>Witness</b>	<b>Ex.</b>	<b>Defendants' Objection</b>	<b>Plaintiff's Response</b>	<b>Ruling</b>
Robyn Denholm	8	Already admitted.		
Robyn Denholm	9	Already admitted.		
Robyn Denholm	10	Already admitted.		
Robyn Denholm	11	Already admitted.		
Robyn Denholm	12	Already admitted.		
Robyn Denholm	13	Already admitted.		
Robyn Denholm	26	No objection.		
Robyn Denholm	53	Already admitted.		
Robyn Denholm	81	Already admitted.		
Robyn Denholm	82	No objection.		
Robyn Denholm	83	Already admitted.		
Robyn Denholm	89	No objection.		
Robyn Denholm	96	No objection.		
Robyn Denholm	101	Already admitted.		
Robyn Denholm	102	No objection.		
Robyn Denholm	103	Already admitted.		
Robyn Denholm	130	No objection.		
Robyn Denholm	134	No objection.		
Robyn Denholm	135	No objection.		
Robyn Denholm	137	No objection.		
Robyn Denholm	139	No objection.		
Robyn Denholm	171	Already admitted.		
Robyn Denholm	184	No objection.		
Robyn Denholm	229	Already admitted.		
Robyn Denholm	289	No objection.		
Robyn Denholm	293	No objection.		

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Robyn Denholm	294	No objection.		
Robyn Denholm	312	No objection.		
Robyn Denholm	313	No objection.		
Robyn Denholm	314	No objection.		
Robyn Denholm	315	No objection.		
Robyn Denholm	316	No objection.		
Robyn Denholm	317	No objection.		
Robyn Denholm	321	Fed. R. Evid. 401, 402, 403. The Court has already overruled Defendants' objections. No further Court action needed.		
Robyn Denholm	361	Already admitted.		
Robyn Denholm	502	No objection.		
Robyn Denholm	519	No objection.		
Robyn Denholm	520	No objection.		
Robyn Denholm	614	Fed. R. Evid. 401, 402, 403, 602, 801 (as to second page speculation by anonymous Twitter user writing "funding unsecured." The second and third pages should be omitted from the exhibit for relevance, lack of knowledge, prejudice, and hearsay.)	Exhibit 614 is the twitter thread from August 24, 2018 when Tesla, not Mr. Musk, tweeted out that Tesla would be "Staying Public". The exhibit contains responses from the public concerning the staying public blog post. One response in particular reads, "Funding unsecured." Consequently, this exhibit shows how the public perceived the Company's disclosures about the transaction. Admission of this exhibit is supported by case law and this Court. <i>See Baker v. SeaWorld Ent., Inc.</i> , 423 F. Supp. 3d 878, 927 (S.D. Cal. 2019)(overruling hearsay objection to articles and analyst reports that were offered for the purpose of "demonstrat[ing] how the market understood	

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			<p>and interpreted [defendant's] disclosure"); <i>see also United States v. Holmes</i>, No. 18-cr-00258-EJD-1, 2021 WL 2044470, at *26 (N.D. Cal. May 22, 2021) (using article "to show its effect on the reader constitutes a non-hearsay use").</p> <p>The responses to Tesla's tweet are clearly relevant to this case as it shows the market's perception to Defendants' final disclosure not to go forward with the go-private transaction. As Defendants argue that the truth was revealed on August 13, 2018, the responses here show that the market still viewed funding secured after August 13, 2018. Therefore, this is clearly relevant and as the Court has already noted, not hearsay.</p> <p>Additionally, any prejudice to Defendants is slim. The Court has already found that funding was not secured in its Summary Judgment Order. Therefore, there is no risk that the jury would be confused or misled. Accordingly, the risk of prejudice to Defendants is slim.</p>	
Robyn Denholm	779	No objection.		
Robyn Denholm	786	No objection.		
Brad Buss	8	Already admitted.		
Brad Buss	9	Already admitted.		
Brad Buss	10	Already admitted.		
Brad Buss	11	Already admitted.		

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Brad Buss	12	Already admitted.		
Brad Buss	13	Already admitted.		
Brad Buss	26	No objection.		
Brad Buss	53	Already admitted.		
Brad Buss	81	Already admitted.		
Brad Buss	82	No objection.		
Brad Buss	83	Already admitted.		
Brad Buss	89	No objection.		
Brad Buss	96	No objection.		
Brad Buss	101	Already admitted.		
Brad Buss	102	No objection.		
Brad Buss	103	Already admitted.		
Brad Buss	129	No objection.		
Brad Buss	130	No objection.		
Brad Buss	134	No objection.		
Brad Buss	135	No objection.		
Brad Buss	137	No objection.		
Brad Buss	139	No objection.		
Brad Buss	171	Already admitted.		
Brad Buss	184	No objection.		
Brad Buss	229	Already admitted.		
Brad Buss	289	No objection.		
Brad Buss	293	No objection.		
Brad Buss	294	No objection.		
Brad Buss	312	No objection.		
Brad Buss	313	No objection.		
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Brad Buss	315	No objection.		
Brad Buss	316	No objection.		
Brad Buss	317	No objection.		
Brad Buss	321	Fed. R. Evid. 401, 402, 403. The Court has already overruled Defendants' objections. No further Court action needed.		
Brad Buss	361	Already admitted.		
Brad Buss	502	No objection.		
Brad Buss	519	No objection.		
Brad Buss	520	No objection.		
Brad Buss	614	Fed. R. Evid. 401, 402, 403, 602, 801 (as to second page speculation by anonymous Twitter user writing "funding unsecured." The second and third pages should be omitted from the exhibit for relevance, lack of knowledge, prejudice, and hearsay.)	Exhibit 614 is the twitter thread from August 24, 2018 when Tesla, not Mr. Musk, tweeted out that Tesla would be "Staying Public". The exhibit contains responses from the public concerning the staying public blog post. One response in particular reads, "Funding unsecured." Consequently, this exhibit shows how the public perceived the Company's disclosures about the transaction. Admission of this exhibit is supported by case law and this Court. <i>See Baker v. SeaWorld Ent., Inc.</i> , 423 F. Supp. 3d 878, 927 (S.D. Cal. 2019)(overruling hearsay objection to articles and analyst reports that were offered for the purpose of "demonstrat[ing] how the market understood and interpreted [defendant's] disclosure"); <i>see also United States v. Holmes</i> , No. 18-cr-00258-EJD-1, 2021 WL 2044470, at *26 (N.D. Cal. May 22, 2021) (using article "to show its effect on the reader constitutes a non-hearsay use").	

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			<p>The responses to Tesla's tweet are clearly relevant to this case as it shows the market's perception to Defendants' final disclosure not to go forward with the go-private transaction. As Defendants argue that the truth was revealed on August 13, 2018, the responses here show that the market still viewed funding secured after August 13, 2018. Therefore, this is clearly relevant and as the Court has already noted, not hearsay.</p> <p>Additionally, any prejudice to Defendants is slim. The Court has already found that funding was not secured in its Summary Judgment Order. Therefore, there is no risk that the jury would be confused or misled. Accordingly, the risk of prejudice to Defendants is slim.</p>	
Brad Buss	702	No objection.		
Brad Buss	786	No objection.		